

122897-1

Serial No.: 10/647,889
Submission Dated September 28, 2005
Reply to Office Action of December 8, 2004.

REMARKS

In the Office Action of July 7, 2005, claims 1-37 were again rejected, notwithstanding the Applicants' amendment of independent claim 1. Claims 1-37 remain pending in the application. Claims 38-40 were earlier withdrawn from consideration. In this response, the Applicants again respectfully urge the Examiner to reconsider his position and his continued rejection of claims 1-37. The Applicants urge that claims 1-37 recite patentable subject matter as written without further amendment. As a preliminary matter, the Applicants propose a telephone interview with the Examiner to discuss the case. The Applicants' undersigned representative, Andrew J. Caruso, will contact the Examiner by telephone in order to determine when an interview might be convenient.

35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) Rejections

The Examiner again rejected claims 1-37 under U.S.C. 102(b) as being anticipated by or, in the alternative, under U.S.C. 103(a) as obvious over Schmidhauser et al., US 5,830,974 (hereinafter "the '974 reference"). The rejection of claims 1-37 is respectfully traversed.

Amended claim 1 now recites a method for preparing an aromatic polyether polymer by reacting substantially equimolar amounts of at least one alkali metal salt of a dihydroxy-substituted aromatic hydrocarbon with a bis((N-(chlorophthalimido))aromatic compound in the presence of a stable phase transfer catalyst, wherein the alkali metal salt of a dihydroxy-substituted aromatic hydrocarbon is prepared by:

"(i) contacting in water at least one hydroxy-substituted aromatic hydrocarbon and at least one alkali metal base to provide an aqueous solution of the alkali metal salt of a dihydroxy-substituted aromatic hydrocarbon; and

(ii) spraying the aqueous solution comprising the alkali metal salt of a dihydroxy-substituted aromatic hydrocarbon into an organic solvent, said solvent being at a temperature greater than the boiling point of said solvent at the prevailing pressure."

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Schmidhauser et al. neither disclose nor suggest this limitation on the manner of preparing the alkali metal salt of a dihydroxy-substituted aromatic hydrocarbon employed. Nor can the limitations recited in currently amended claim 1 be considered inherent in the method disclosed by Schmidhauser et al. The '974 reference teaches a method to make a polyether polymer using for example "...solutions of bisphenol A disodium salt hexahydrate..." (column 4, lines 64-65). There is, however, no teaching nor suggestion in the '974 reference that would lead one skilled in the art to conclude that it would be advantageous to use an alkali metal salt of a dihydroxy-substituted aromatic hydrocarbon prepared in accordance with paragraph [0048] which details how the particle size of the alkali metal salt of a dihydroxy-substituted aromatic hydrocarbon may be controlled using the preparative steps recited in currently amended claim 1. Paragraph [0048] from which the newly added limitations to claim 1 are drawn provides both the necessary antecedent basis for the newly added claim limitations and clear guidance as to the manner in which the invention is to be practiced. Thus an aqueous solution of the alkali metal salt of a dihydroxy-substituted aromatic hydrocarbon is prepared by contacting in water at least one hydroxy-substituted aromatic hydrocarbon and at least one alkali metal base, and the resultant solution is sprayed into an organic solvent at a temperature greater than the boiling point of the solvent at the prevailing pressure. Paragraph [0048] discloses that the organic solvent has a boiling point above that of water (page 22, lines 4-6), the temperature of the organic solvent into which the aqueous solution is sprayed is in one embodiment in a range of between about 100°C and about 220°C (page 23, lines 2-7), and that either superatmospheric pressure (page 23, lines 14-17) or subatmospheric pressure (page 23, lines 21-24) may be employed.

Paragraphs [0045] and [0046] teach generally the advantages associated with reduced particle size, and experimental data provided by the inventors show clearly the influence of particle size on reaction outcome (The results for Examples 17 and 18 versus a control are presented graphically in Figure 2 of the application and show clearly that higher reaction rates are associated with smaller particle size of the salt of the bisphenol employed).

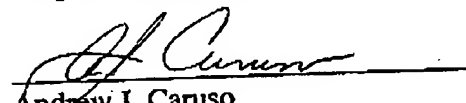
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Because the '974 reference does not disclose or suggest each and every limitation of the claimed invention, the Applicants urge that the rejection of claims 1-37 under 35 U.S.C. 102(b) or, in the alternative, under 35 U.S.C. 103(a) as being unpatentable over the '974 reference be withdrawn.

In view of the foregoing remarks, the Applicants believe that each of claims 1-37 is now in condition for allowance. The Applicants thus courteously solicit a review of the proposed amendments and prompt allowance of these claims. Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact the Applicants' undersigned representative at the telephone number below.

Respectfully submitted,


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